

REMARKS

Claims 1-10 are pending in this application. By this Amendment, the drawings are replaced pursuant to the attached drawing sheets, and the specification and claims 1 and 4-6 are amended, and claims 8-10 are added. Claims 1 and 6 are amended, and claims 8-10 are added to recite features supported in the specification, for example, at paragraphs [0028] – [0036] and Figs. 3-5. No new matter is added by any of these amendments.

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Sterling during the December 1, 2004 interview. In accordance with MPEP §713.04, the points discussed during the interview are incorporated in the remarks below and constitute Applicants' record of the interview.

Reconsideration based on the following remarks is respectfully requested.

I. Request for Acknowledgement of Claim for Priority

The Office Action Summary does not acknowledge either the claim for priority of Japanese Patent Application 2003-052449 having a priority date of February 28, 2003 or receipt of the certified copy of the priority document filed with the application on October 17, 2003. A copy of the USPTO-stamped receipt acknowledgement of receipt and the front page of the priority document are attached showing that the priority document was submitted to the Patent Office. The U.S. Patent and Trademark Office is requested to acknowledge the claim for priority and receipt of the certified copy of the priority document, and indicate that the requirements of 35 U.S.C. §119 have been satisfied.

II. The Claims Satisfy the Requirements under 35 U.S.C. §112, second paragraph

The Office Action rejects claims 4 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 4 and 5 have been amended to obviate this rejection in view of the Examiner's helpful comments. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

Amendments to the Drawings:

The attached sheets of drawings replace the original sheets including Figs. 1-7.

Attachment: Replacement Sheets: Figs. 1-7

III. Claims 1-10 Define Patentable Subject Matter

The Office Action rejects claims 1-7 under 35 U.S.C. §103(a) over U.S. Patent 5,410,373 to Sagues *et al.* (hereinafter “Sagues”) in view of U.S. Patent 5,729,289 to Etoh. This rejection is respectfully traversed.

As discussed during the interview, Sagues and Etoh, alone or in combination, do not teach or suggest a touch panel holder frame for an electronic device, including a first positioning enclosure attached to a display device body to surround a whole or a part of an outer periphery of a display screen, a second positioning enclosure attached to a touch panel to surround a whole or a part of an outer periphery of the touch panel, and a plurality of holding pawl sections provided on an inner surface of the second positioning enclosure for engaging the outer periphery of said touch panel to prevent the touch panel from coming out of the touch panel holder frame, wherein the holding pawl sections provide a spacer section that extends between the first and second positioning enclosures to define a given clearance between the display screen and the touch panel, as recited in claim 1, and similarly recited for a display device in claim 6. Claim 4 is rewritten to depend from claim 7, which depends from claim 6.

Instead, Sagues discloses an electronic chassis 10 to support a cathode ray tube (CRT) display 17 in an opening 12 of a cabinet 16. In particular, Sagues teaches a chassis 10 having retainers 46 and 56 for attaching to the cabinet 16, as well as upper, lower and side flanges 26, 28, 30 for attaching to a bezel frame 60 by screws 64. Sagues further teaches the channel 10 having mounting brackets 21 and channel brackets 32. The mounting brackets 21 attach by screws 23 to ears 19 on the CRT display 17. The channel brackets 32 enable lateral adjustment within the opening 12 of the bezel frame 60 having gaskets 57, 59 that seal the interfaces to the cabinet 16 and the display 17 (col. 3, lines 29-51; col. 4, lines 22-31, 45-50, 54-64; col. 5, lines 1-8; and Figs. 1A and 4 of Sagues).

There is no teaching or suggestion in Sagues of a positioning enclosure for holding a touch screen, as recited in claim 1. Moreover, Sagues lacks any teaching or suggestion for pawl sections on an inner surface of the positioning enclosure to prevent the touch panel from coming out of the touch panel holder frame. Nor does Sagues teach or suggest a given clearance between the display screen and the touch panel, as recited in claim 7.

Etoh does not compensate for the deficiencies of Sagues. Rather, Etoh discloses an image pickup device 1A with a detachable display device 1B. In particular, Etoh teaches the display device 1B having a touch panel 103 is disposed in a cover 101 forward of an LCD display device 102 (col. 3, lines 1-5, 31-36; and Fig. 1 of Etoh).

Further, there would have been no motivation to combine features related to the CRT chassis of Sagues with the detachable display device of Etoh to render obvious Applicants' claimed features for a touch panel holder frame, nor has the Office Action established sufficient motivation for a *prima facie* case of obviousness.

Applicants assert that the Examiner's allegation that it would have been obvious to one of ordinary skill in the art to implement mounting of a touch screen within the panel is merely a conclusory statement, and that no support for such a statement has been provided. When relying on what is asserted to be general knowledge to negate patentability, that knowledge must be articulated and placed on the record. Providing only conclusory statements when dealing with particular combinations of prior art in specific claims cannot support an assertion of obviousness. *In re Lee*, 61 USPQ 2d 1430, 1434-35 (Fed. Cir. 2002).

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations (MPEP §706.02(j)). Applicants assert that the Office Action fails to satisfy these requirements with Sagues and Etoh.

For at least these reasons, Applicants respectfully assert that the independent claims are now patentable over the applied references. The dependent claims are likewise patentable over the applied references for at least the reasons discussed, as well as for the additional features they recite. These reasons also apply by extensions to new claims 9-10. Thus, Applicants respectfully request that the rejections under 35 U.S.C. §103 be withdrawn.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:GWT/gwt

Attachments:

Replacement Drawing Sheets Figs. 1-7
Copy of stamped receipt for Claim for Priority
Copy of cover page of Priority Document JP 2003-052449

Date: December 17, 2004

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